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19 Attorneys for Plaintiffs and Counterclaim Defendants  
20 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,  
21 MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE and SPX FITNESS, INC.

22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA

24 LAGREE TECHNOLOGIES, INC.,  
25 LAGREE FITNESS, INC., MAXIMUM  
26 FITNESS INCORPORATED, AND  
27 SEBASTIEN LAGREE,

28 Plaintiffs,

v.

SPARTACUS 20<sup>TH</sup> L.P., SPARTACUS  
20<sup>TH</sup> G.P., INC., PHILIP R. PALUMBO,  
JAKOB IRION, BODYROK  
FRANCHISE, L.P., BODYROK  
FRANCHISE G.P., INC., EXERCISE  
TECHNOLOGIES, L.P., BODYROK  
MARINA, LP., SCULPT FITNESS  
BERKELEY, LLC, SPARTACUS  
LOMBARD, L.P., AND DOES 1  
THROUGH 10, INCLUSIVE,

Defendants.

CASE NO.: 3:17-CV-00795-JST

**PARTIES' STIPULATION OF DISMISSAL  
OF THE PRESENT ACTION WITH  
PREJUDICE AND ~~PROPOSED~~ ORDER.**

1 SPARTACUS 20<sup>TH</sup> L.P., SPARTACUS  
2 20<sup>TH</sup> G.P., INC., PHILIP R. PALUMBO,  
3 JAKOB IRION, BODYROK  
4 FRANCHISE, L.P., BODYROK  
5 FRANCHISE G.P., INC., EXERCISE  
6 TECHNOLOGIES, L.P., BODYROK  
7 MARINA, L.P., SCULPT FITNESS  
8 BERKELEY, LLC, AND SPARTACUS  
9 LOMBARD, L.P.,

10 Counterclaim Plaintiffs,

11 v.

12 LAGREE TECHNOLOGIES, INC.,  
13 LAGREE FITNESS, INC., MAXIMUM  
14 FITNESS INCORPORATED, AND  
15 SEBASTIEN LAGREE, SPX FITNESS,  
16 INC., AND ROES 1-10, INCLUSIVE

17 Counterclaim Defendants.

18 TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

19 Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), and per the Court's  
20 December 2, 2017 order (ECF 139), Plaintiffs and Counterclaim Defendants LAGREE  
21 TECHNOLOGIES, INC., LAGREE FITNESS, INC., MAXIMUM FITNESS  
22 INCORPORATED, SEBASTIEN LAGREE, and SPX FITNESS, INC., and Defendants and  
23 Counterclaim Plaintiffs SPARTACUS 20<sup>TH</sup> L.P., SPARTACUS 20<sup>TH</sup> G.P., INC., PHILIP P.  
24 PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P.,  
25 INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS  
26 BERKELEY, LLC, and SPARTACUS LOMBARD, L.P. (collectively, the "Parties"), stipulate  
27 as follows:

28 WHEREAS, during the Settlement Conference held on October 5, 2017, the Parties  
reached a binding agreement ("Settlement Agreement") to settle and dismiss the entirety of  
the present action in consideration of the negotiated terms read into the record by Magistrate  
Judge Donna M. Ryu, and agreed to by the Parties and their counsel, at the conclusion of said

1 Conference (“October 5, 2017 Settlement Conference Transcript”)

2 WHEREAS, on January 8, 2018, the Parties signed an Addendum Agreement on  
3 confidentiality and transferability of the Settlement Agreement.

4 WHEREAS, on January 10, 2018, Judge Ryu granted the Parties stipulation regarding  
5 sealing the October 5, 2017 Settlement Conference Transcript and redacting the terms of the  
6 Settlement Agreement from the version of the Transcript that will become publicly accessible  
7 through the Court’s PACER service.

8 WHEREAS, the Parties agree that this Court shall retain jurisdiction of any action to  
9 enforce the terms of the Settlement Agreement and the Addendum Agreement.

10 NOW, THEREFORE, the Parties, by and through their respective counsel, hereby  
11 stipulate and agree to the dismissal of this action with prejudice, including all claims and  
12 counterclaims stated herein against any and all parties, with each party bearing its own attorney’s  
13 fees and costs.

1                   **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2  
3                   Dated: January 11, 2018

Neustel Law Offices, LTD

4                   /s/ Chad E. Ziegler

5                   Chad E. Ziegler (*Pro Hac Vice*)

6                   Edward K. Runyan (*Pro Hac Vice*)

7                   Michelle G. Breit (Bar No. 133143)

8                   Attorneys for Plaintiffs and Counter-  
9                   defendants, LAGREE TECHNOLOGIES,  
10                  INC., LAGREE FITNESS, INC.,  
11                  MAXIMUM FITNESS INCORPORATED,  
12                  SEBASTIEN LAGREE, and SPX FITNESS,  
13                  INC.

14                  Dated: January 11, 2018

Gordon Rees Scully Mansukhani, LLP

15                  /s/ Robert P. Andris

16                  Robert P. Andris (SBN: 130290)

17                  Michael D. Kanach (SBN: 271215)

18                  Kevin W. Alexander (SBN: 175204)

19                  Attorneys for Defendants and Counter-  
20                  plaintiffs, SPARTACUS 20<sup>TH</sup> L.P.,  
21                  SPARTACUS 20<sup>TH</sup> G.P., INC.,  
22                  PHILIP R. PALUMBO,  
23                  JAKOB IRION,  
24                  BODYROK FRANCHISE, L.P.,  
25                  BODYROK FRANCHISE, G.P., INC.,  
26                  EXERCISE TECHNOLOGIES, L.P.,  
27                  BODYROK MARINA, LP.  
28                  SCULPT FITNESS BERKELEY, LLC, and  
                    SPARTACUS LOMBARD, L.P.

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2  
3 **FILER'S ATTESTATION**

4 I, Chad E. Ziegler, am an ECF user whose ID and password are being used to file this  
5 PARTIES' STIPULATION OF DISMISSAL OF THE PRESENT ACTION WITH PREJUDICE  
6 AND [PROPOSED] ORDER. Plaintiffs' counsel obtained Defendants' counsel's authority prior  
7 to the filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel  
8 for the Defendants concur in this filing.  
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10  
11 /s/ Chad E. Ziegler  
12 Chad E. Ziegler  
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